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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,647	08/22/2000	Richard W. Dimeo	1-19-4-9	2426
32361	7590	04/29/2004	EXAMINER	
GREENBERG TRAURIG, LLP 885 3RD AVENUE NEW YORK, NY 10022			PEREZ GUTIERREZ, RAFAEL	
		ART UNIT		PAPER NUMBER
		2686		
DATE MAILED: 04/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/643,647	Dimeo et al.
	Examiner Rafael Perez-Gutierrez	Art Unit 2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 December 2003.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4,5,7-9,12,14-16 and 18-20 is/are rejected.
- 7) Claim(s) 3,10,11,13 and 17 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 August 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

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## DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on December 29, 2003.

**Claims 1-5 and 7-20** are now pending in the present application. **This Action is made FINAL.**

### *Claim Objections*

2. **Claims 3, 10, and 18** are objected to because of the following informalities:

- a) On **line 6 of claims 3 and 10**, insert --and-- after "path;";
- b) On **line 3 of claim 10**, replace "the other" with --another-- after "on";
- c) On **line 6 of claim 10**, replace "an" with --and-- after "path";
- d) On **lines 2, 4, and 5 of claim 18**, delete "said analog" before "signals" in order to provide proper antecedent basis.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless -- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2, 4, 5, 7-9, 12, 14-16, and 18-20** are rejected under 35 U.S.C. 102(b) as being anticipated by **Vogt et al. (U.S. Patent # 5,339,455)**, newly cited.

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Consider **claims 1, 8, and 15**, Vogt et al. clearly show and disclose a band edge amplitude reduction system for a radio receiver and a method of using at least one filter 14<sub>1</sub>-14<sub>N</sub> (figure) to receive signals from an antenna 1 by changing filtering characteristics (i.e., adjusting the bandwidth) (abstract and figure), said method comprising:

changing, by means of comparison and control means 13 (processing circuitry) (figure), filtering characteristics (i.e., adjusting the bandwidth) of a variable filter 14<sub>1</sub>-14<sub>N</sub> on a main signal path (i.e., the path of selector S<sub>1</sub>, filters 14<sub>1</sub>-14<sub>N</sub>, and selector S<sub>2</sub>) as a function of at least one amplitude (level, signal strength) on another signal path (i.e., the path of first level evaluation or threshold circuit 11 and comparison and control means 13) coupled to the main signal path (i.e., the path of selector S<sub>1</sub>, filters 14<sub>1</sub>-14<sub>N</sub>, and selector S<sub>2</sub>) where the main signal path (i.e., the path of selector S<sub>1</sub>, filters 14<sub>1</sub>-14<sub>N</sub>, and selector S<sub>2</sub>) and the other signal path (i.e., the path of first level evaluation or threshold circuit 11 and comparison and control means 13) have a frequency band of operation and where said amplitude (level, signal strength) is in an adjacent band relative to the frequency band of operation (i.e., amplitude (level, signal strength) measured is from an adjacent channel (band edge; signals not under the control of the receiver)) (abstract, figure, column 1 lines 19-24 and 53-65, column 2 lines 10-17, column 2 line 25 - column 3 line 47, and claim 1).

Consider **claims 2 and 9, and as applied to claims 1 and 8 above**, Vogt et al. further show and disclose that the filtering characteristics (i.e., bandwidth) on said main signal path (i.e., the path of selector S<sub>1</sub>, filters 14<sub>1</sub>-14<sub>N</sub>, and selector S<sub>2</sub>) can be changed by using an amplitude (level, signal strength) in said frequency band of operation on said main signal path (i.e., the path

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of selector S<sub>1</sub>, filters 14<sub>1</sub>-14<sub>N</sub>, and selector S<sub>2</sub>) (abstract, figure, and column 2 lines 49-67).

Consider **claims 4, 16, and 18, and as applied to claims 2 and 15 above**, Vogt et al. also show and disclose:

providing a replica of said signals on a detection path (path of selector S<sub>2</sub>, second level evaluation or threshold circuit 12, and comparison and control means 13) (figure, column 2 line 49 - column 3 line 5, and column 3 lines 19-35);

producing, by means of second level evaluation or threshold circuit 12 (detection circuitry), an amplitude (level, signal strength) for said in said frequency band of operation on said detection path (path of selector S<sub>2</sub>, second level evaluation or threshold circuit 12, and comparison and control means 13) (column 2 line 49 - column 3 line 35); and

changing, by means of comparison and control means 13 (processing circuitry) (figure), said filtering characteristics (i.e., adjusting the bandwidth) on said main signal path (i.e., the path of selector S<sub>1</sub>, filters 14<sub>1</sub>-14<sub>N</sub>, and selector S<sub>2</sub>) based on a comparison between said at least one amplitude (level, signal strength) for said adjacent band (adjacent channel) and said amplitude (level, signal strength) for said frequency band of operation (figure and column 3 lines 1-40).

Consider **claims 5, 12, and 19, and as applied to claims 1, 8, and 15 above**, Vogt et al. further disclose that the filtering characteristics (i.e., bandwidth) are changed by switching as a function of said at least one amplitude (level, signal strength) for said adjacent band (adjacent channel) between a plurality of filters 14<sub>1</sub>-14<sub>N</sub> having different filtering characteristics (i.e., passband) (figure, column 1 lines 58-65, column 2 lines 49-68, and column 3 lines 19-40).

Consider **claims 7, 14, and 20, and as applied to claims 1, 8, and 15 above**, Vogt et al.

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also disclose that the filtering characteristics (i.e., bandwidth) are changed by narrowing a bandwidth for a filter 14<sub>1</sub>-14<sub>N</sub> on said main signal path (i.e., the path of selector S<sub>1</sub>, filters 14<sub>1</sub>-14<sub>N</sub>, and selector S<sub>2</sub>) to attenuate signals on at least one band edge (adjacent band) of said frequency band of operation (abstract, column 1 lines 58-65, column 2 lines 25-68, and column 3 lines 19-40).

***Allowable Subject Matter***

4. **Claims 3, 10, 11, 13, and 17** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments with respect to **claims 1, 8, and 15** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

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Braegas (U.S. Patent # 5,303,413) discloses an AM radio receiver with switchable IF bandwidth;

Kuo et al. (U.S. Patent # 5,307,515) disclose an adjacent channel controller for a radio receiver;

Konishi et al. (U.S. Patent # 5,317,289) disclose a frequency-fluctuating interference removed receiver;

Schwarz (U.S. Patent # 5,493,717) discloses an adjacent channel interference detection and suppression circuit;

Whikehart et al. (U.S. Patent # 6,178,211 B1) disclose a digital processing radio receiver with adaptive bandwidth control; and

Whikehart et al. (U.S. Patent # 6,178,314 B1) disclose a radio receiver with adaptive bandwidth controls at intermediate frequency and audio frequency sections.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Crystal Park II  
2021 Crystal Drive  
Arlington, VA 22202  
Sixth Floor (Receptionist)

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (703) 308-8996. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

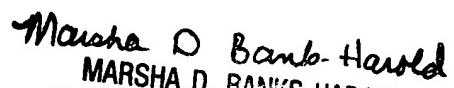
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700 or call customer service at (703) 306-0377.

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Rafael Perez-Gutierrez  
R.P.G./rpg **RAFAEL PEREZ-GUTIERREZ**  
**PATENT EXAMINER**

April 26, 2004

  
Marsha D. Banks-Harold  
MARSHA D. BANKS-HAROLD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600